

## **LESSON PLAN**

### **PREVENTION OF SEXUAL HARASSMENT**

**TASK:** Identify situations of sexual harassment and recommend appropriate corrective action.

**CONDITIONS:** In a small group discussion environment

**STANDARDS:** Correctly identify situations of sexual harassment and recommend appropriate corrective action.

**INSTRUCTION TIME:** 2 Hours

**MEDIA:** Slides and Practical Exercises

#### **INTRODUCTION:**

**INSTRUCTOR NOTE:** Paraphrase the following statements: The elimination of sexual harassment has been a long-standing goal of the Army. During recent years the issue of sexual harassment has received significant media and political attention in both government and in private sectors. This heightened awareness on the causes of sexual harassment has intensified national debate on prevention strategies.

Sexual harassment affects everyone. It victimizes males as well as females and can occur at any time, and is not limited to the workplace.

The eradication and prevention of sexual harassment is not just a moral imperative; it is a readiness issue. Army leaders continue to re-energize efforts to effect a policy of zero tolerance. Sexual harassment affects unit cohesion and mission effectiveness, and violates professional and moral standards. It detracts from a positive unit climate that promotes individual growth and teamwork, vital to combat readiness. For these reasons sexual harassment cannot and will not be tolerated.

**INSTRUCTOR NOTES:** The term “civilian employees” used in this lesson plan, refers to Department of Army civilian employees (DACs) working either appropriated fund or non-appropriated fund position, and Army family members who are contract employees.

Prior to class review Army policy regarding senior-subordinate relationships and fraternization in AR 600-20 and DA PAM 600-35,

#### **POLICY**

Sexual harassment is conduct which involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- (2) submission to or rejection of such conduct by a person is made as a basis for career or employment decisions affecting that person, or
- (3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

#### **CATEGORIES OF SEXUAL HARASSMENT**

Soldiers and civilians need to have a clear understanding of some of the basic principles which are critical to identifying types of behavior which constitute sexual harassment. Two of these include "quid pro quo" and "hostile environment." Also, soldiers and civilians should be viewed by a "reasonable woman" standard, and the relevancy of impact versus intent.

#### **SLIDE #1**

<p><b>CATEGORIES OF SEXUAL HARASSMENT</b></p> <p>"Quid Pro Quo" Hostile Environment</p> <p><b>RELATED ELEMENTS OF SEXUAL HARASSMENT</b></p> <p>Impact Vs Intent Reasonable Person and Reasonable Woman Standards</p>
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#### **QUID PRO QUO**

"Quid pro quo" which is a Latin term essentially means "this for that." In relation to sexual harassment, it refers to conditions placed upon a person's career or terms of employment in return for sexual favors. This may involve threats of poor performance evaluations, firing, or a variety of other adverse actions if the victim does not submit to requests for sexual advances. One can still be a victim despite the appearance of willingly submitting to sexual advances; the threat to a person's job or career only has to be implied.

Quid pro quo can also involve promising favorable actions such as career advancement, promotions, and other benefits should the victim accede to the

sexual advances of the harasser.

Incidents of quid pro quo can also have an adverse effect on third persons. It can result in allegations of sexual favoritism, or gender discrimination when a person feels unfairly deprived of recognition, advancement, or other career opportunities due to favoritism shown to another soldier or civilian employee based on a sexual relationship. An example would be assigning a squad member who finds out that his or her squad leader recommends another soldier for promotion based upon promised or actual sexual favors, not upon merit or ability.

## **HOSTILE ENVIRONMENT**

A “hostile environment” occurs when soldiers or civilians are subjected to offensive, unwanted, and unsolicited comments and behavior of a sexual nature. Unwanted and unsolicited in this case means that the behavior was not requested or asked for in any terms. This form of sexual harassment has been identified as the most prevalent within the military.

A “hostile environment” brings the topic of sex or biased gender differences into the workplace in any one of a number of forms. It does not, however, necessarily include the more blatant or easily identifiable acts of quid pro quo. Rather, it normally includes those actions in “the gray areas” or the less obvious kinds of behavior which are based on gender differences.

An example of “hostile environment” often observed in the old Army would have been a predominantly male-oriented workplace where soldiers and their leaders frequently used derogatory feminine terms in describing unsatisfactory male performance, e.g., “wimp,” “sissy,” or “mama’s boy.” In addition, they would have used language that contained sexual connotations or was gender based such as certain Jody calls during physical training. This environment may have tolerated or even encouraged posting of sexually oriented cartoons and pictures in the work and living areas. Also, telling of sexually explicit jokes and sharing sexist attitudes and opinions were likely prevalent. These behaviors created a hostile environment, whether or not women directly worked in or visited the immediate area.

## **RELATED ELEMENTS OF SEXUAL HARASSMENT**

In addition to the two basic categories of “Quid Pro Quo” and Hostile Environment, soldiers and civilian employees need to be aware of other related elements to identify behavior that constitutes sexual harassment.

## **IMPACT VS INTENT**

Soldiers and civilians must understand that what they may consider to be joking or horseplay must be evaluated on its appropriateness and offensiveness as perceived by the recipient.

When attention of a sexual nature is neither wanted, initiated, nor solicited, it is considered “unwelcome.” Assessing whether the behavior is appropriate or

The purpose of adopting a “reasonable woman’s standard” is to avoid the issue of male bias which could exist in a “reasonable person’s standard.” Because of our socialization, men and women can watch the same behavior, but have a very different perspective about what they saw and what they were feeling.

**INSTRUCTOR NOTE:** Provide a contemporary or current event or local issue as an example or engage in discussion on differing perspectives.

### **SEXUAL HARASSMENT BEHAVIOR**

Earlier we stated that sexual harassment could enter the work environment in a number of ways. Sexual harassment behavior is a major factor for determining hostile environment and can be categorized into four basic forms: verbal comments, nonverbal gestures, printed material and physical contact. The following are common examples:

## **SEXUAL HARASSMENT BEHAVIOR**

Verbal Comments  
Nonverbal Gestures  
Printed Material  
Physical Contact

### **VERBAL COMMENTS**

Examples of verbal comments include telling sexual jokes and using profanity, off-color sexual comments, threats; or barking, growling, oinking, and whistling at passersby in describing certain sexual attributes about one's physical appearance.

Telling sexual jokes is one of the toughest forms of harassment to confront. It is not necessarily because of the different perceptions about the offensiveness of the joke, but rather the intent of the person telling the joke is often viewed as being "all in fun" with no deliberate attempt to hurt or do harm. Even those who are offended may laugh along rationalizing that tolerating the storyteller is a form of group camaraderie. However, this rarely is the case. Often the opposite reaction occurs creating a lack of respect and a "here we go again" response when the joker approaches.

Another kind of verbal behavior is using innocent "terms of endearment" such as "honey," "baby," "sweetheart" or "dear" in referring to soldiers or civilian co-workers. Initially this form of harassment appears innocent until someone demands that his or her appropriate title be used. When the victim's request is not honored and the behavior is repeated or escalated to another form, it can be classified as creating a hostile environment.

### **NONVERBAL GESTURES**

Examples of nonverbal gestures are leering, ogling (giving the person "the eye" or "once over"), blowing kisses, licking lips, or winking. Nonverbal forms of sexual harassment may take on a more hostile appearance after the victim has rejected the advances of the harasser. Examples in males could be gestures of impending violence such as a clinched fist, stern facial expressions, or lowering their pants to tuck in their shirts in the presence of women. Examples by females could be adjusting their clothing, showing legs or cleavage, or wiggling in the presence of men.

### **PRINTED MATERIAL**

Examples of printed material include sexually oriented notes, letters, faxes, or computer screen saves. Other examples include visibly posting sexual sayings such as bumper stickers, cartoons, posters, calendars, pin-ups, or sexually oriented pictures and quotations found on seat covers or sun-visors where people work or meet.

## **PHYSICAL CONTACT**

Examples of physical contact are touching, patting, hugging, pinching, grabbing, cornering, and kissing. Other examples include playing footsie-kneesie, blocking a passageway, providing unsolicited back and neck rubs, or unsolicited clothing adjustments.

## **VICTIM IMPACT**

### **SLIDE #3**

<b>VICTIM IMPACT</b>
Interferes with Work Performance
Creates Hostile Environment
Promotes Negative Stress
Creates Fear and Anxiety

Soldiers and civilians must understand the devastating affects sexual harassment can have on a victim and on unit readiness. Problems due to sexual harassment can manifest themselves in a number of ways. Some are very obvious, while others may be well hidden and not so visible.

The first and most obvious impact sexual harassment has on victims is that it interferes with their work performance. A soldier or civilian employee who has to fend off offensive and repeated sexual attacks cannot perform quality work.

Sexual harassment also creates a hostile environment by placing unreasonable stress on the victim. Sexual harassment promotes a negative form of stress that can affect everyone in the workplace. The impact of this form of stress on the victim can be devastating. It can affect not only the victim's ability to perform effectively on the job, but can also have an adverse impact on off duty time.

Sexual harassment also puts a high degree of fear and anxiety into the workplace. When the harassment is quid pro quo, the fear of loss of job or career opportunities can undermine a unit's teamwork and morale. The bottom line is this: anyone who is sexually harassed will be less productive, and the command climate will likely suffer. Soldiers and civilian employees can only reach their full potential in an environment that fosters dignity and respect.

## **SEXUAL HARASSMENT CHECKLIST**

**INSTRUCTOR NOTE:** In order to adequately assess whether an incident or behavior is or is not sexual harassment, students must apply the questions in the checklist. Take this time to summarize and check learning. Ask the class for an example of behavior for each question.

## SLIDE #4

### SEXUAL HARASSMENT CHECKLIST

- Is the behavior inappropriate for the workplace?
- Is the behavior sexual in nature or connotation?
- Is the conduct unwanted, unwelcome, or unsolicited?
- Do the elements of power, control, or influence exist?
- Does the situation indicate a quid pro quo relationship?
- Does the behavior create a hostile or offensive environment?
- Is the behavior repeated as it relates to gender treatment?
- How would a “reasonable person” or “reasonable woman” be affected?

## COPING MECHANISMS

In order to adequately understand the impact that sexual harassment can have on a victim, soldiers and civilians should be aware of common coping mechanisms. They must recognize the behavior patterns that they themselves or others are victims might elicit in trying to cope with a stressful situation. Coping mechanisms such as denial, rationalization, and avoidance, are the more prevalent types of behaviors associated with sexual harassment.

## SLIDE #5

### COPING MECHANISMS

Denial  
Rationalization  
Avoidance

## DENIAL

Denial is the most frequently used coping mechanism in that it offers an immediate remedy for dealing with a sexual harassment incident. Denial allows the victim to “write the incident off” as if it did not take place. It provides relief by mentally removing the victim from the incident. This removal keeps the person from feeling negative emotions and diminishes the necessity to respond. The incident may occur again, but a victim in complete denial may never acknowledge the existence of the behavior. A person in denial will not admit that the incident ever took place.

## RATIONALIZATION

Rationalization is another coping mechanism that allow victims of sexual harassment avoid dealing with an emotional incident. This coping mechanism gives them a logical way of making personal excuses for their own behavior as well as for the behavior of others. Comments such as, “The joke wasn’t really directed at me” or “I’m not that kind of person” are frequently heard.

Another form of rationalization relates to a person dealing with a sense of having little or no power. An excuse like, "What can I do? I'm just a subordinate with no visibility in the workplace." Rationalization also excuses the behavior of the harasser. The victim might say, "Surely he isn't really like that" or "She was just

Rationalization as well as denial precludes or reduces personal feelings of pain and injustice. This is especially true in senior- subordinate relationships where avoiding retaliation may be more important than recognizing personal feelings.

Joking about the harassment is another form of rationalization used to release tension and strengthen one's self-esteem. Victims may even assume that by laughing at the behavior, they draw attention away from themselves and reduce their feelings of being victimized by someone who has power and influence over them. Making fun out of a sexually harassing situation allows the victim to consider the actions of the perpetrator as circumstantial and negate their own feelings about the incident.

## **AVOIDANCE**

Avoidance as a coping mechanism can have a detrimental effect on victims of sexual harassment. Unlike denial and rationalization, the behavior associated with avoidance is easily misinterpreted as abnormal, inappropriate, or bizarre. The victims will sometimes behave out of character, exhibiting a host of excuses in an attempt to remove themselves from the harasser or an offensive environment. Claiming illness can keep a soldier on sick-call or, in the case of civilians, on sick leave. Depending on the severity of the harassment, avoidance can cause actual physical ailments such as an upset stomach, headaches, or other health- related problems. Soldiers and civilians who fail to come to work because of sexual harassment increase absenteeism; this hinders the unit's ability to effectively accomplish its mission.

## **COMPONENTS OF PREVENTION**

Increased emphasis on dealing with sexual harassment in the Army is not only inevitable, but highly proper. An organization's program to end sexual harassment must include total leadership commitment, mandatory training in prevention of sexual harassment, a clearly established mechanism for reporting sexual harassment, and clear demonstration through disciplinary action that certain kinds of behavior will not be tolerated.

## **SLIDE #6**

### **COMPONENTS OF PREVENTION**

Total Leadership Commitment  
Training  
Reporting Sexual Harassment  
Disciplinary/Administrative Actions



## **TOTAL LEADERSHIP COMMITMENT**

The effectiveness and success of any prevention program is dependent upon the support of soldiers and unit leaders. Without full support, the Army's effort to prevent and eradicate sexual harassment will lose its momentum and effectiveness.

Commitment is multifaceted. It starts with the publication of clear and detailed policies. There must be commitment, personal example, and an effective way to monitor actions and enforce them. Leaders must ensure that soldiers and civilians understand their responsibility and commitment to support Army policy on preventing sexual harassment. They must have a sense of caring and an openness to problem-solving.

**INSTRUCTOR NOTE:** Show or provide the class with Prevention of Sexual Harassment Policy Memorandums used within your command.

A policy memorandum on the prevention of sexual harassment should emphasize the same points required for unit training which are: the Army's definition of sexual harassment (AR 60020, Army Command Policy), behavioral examples of sexual harassment (which are addressed in this chapter), a personal statement from the commander in support of Army stating that sexual harassment will not be tolerated within the unit, an encouragement to unit personnel to report incidents of sexual harassment to the chain of command or other appropriate agencies, and a list of resources and agencies that can help resolve sexual harassment complaints.

The policy memorandum should also include the telephone numbers of the organization and/or installation- level EO office and the Sexual Harassment HOTLINE.

**INSTRUCTOR NOTE:** Ask class members when and where they last received training in the prevention of sexual harassment. This will allow you to point out to the class where the system is working or the need for increased emphasis for conducting POSH training.

## **TRAINING**

The elimination of sexual harassment begins with a policy of sequential training to identify and prevent inappropriate behaviors. In addition to sequential and progressive training in required military and civilian supervisor courses, unit training in the prevention of sexual harassment (POSH) is required during biannual unit training.

**INSTRUCTOR NOTE:** Minimum requirements for unit training are covered in Chapter 6 of AR 600-20. Paraphrase the following as appropriate for target audience:

The quality and effectiveness of unit training is of primary concern. The most effective approach to training to prevent sexual harassment is through interactive

discussion in small groups of mixed gender. Situation vignettes or scenarios should be used to stimulate discussion among unit personnel. The training focus should be equal to the level of experience and breadth of responsibilities for each target audience.

Unit training for junior enlisted will: define sexual harassment and gender discrimination, sanctions which may be used to punish offenders, techniques for soldiers to deal with sexual harassment, and methods of filing a complaint through command channels.

Unit training for officers, junior NCOs, and civilian supervisors will reinforce the aforementioned training. In addition, emphasis should be placed on promoting a healthy work environment within the section or unit as well as on techniques of receiving, handling, and resolving complaints. Training on the unit's EO complaint system must include the leader's responsibilities in processing informal and formal complaints with strong emphasis on preventing reprisal actions against complainants.

Training at unit level for senior-level noncommissioned officers, warrant officers, officers, civilian managers, and senior executive service personnel will discuss strategies for fostering a healthy command environment and using appropriate sanctions for harassers. In addition, it will reinforce previous POSH training received at more junior levels.

**INSTRUCTOR NOTE:** If your class is targeted at unit leaders, mention that they may ask their brigade or installation-level EOA and unit EOR to help them prepare the training.

## **REPORTING SEXUAL HARASSMENT**

All soldiers, and their family members have the right to prompt and thorough redress of sexual harassment complaints without fear of intimidation or reprisal. Refer to AR 600-20 which contains detailed information on the Army's EO complaint process.

The chain of command is the primary channel for handling and correcting allegations of sexual harassment. Although a number of alternate channels are available, soldiers and DA civilians are encouraged to bring their complaints to the first-line supervisor for resolution at the lowest possible level. Should complainants feel uncomfortable in bringing their concerns to the chain of command or the allegation of sexual harassment is against a member of the chain, a number of alternate agencies are available to assist in the complaint process. Some of these agencies include the Inspector General's Office, Chaplain, Office of the Staff Judge Advocate, and the organization or installation Equal Opportunity Advisor. Complaints of sexual harassment may be filed formally or informally. An informal complaint is one in which the complainant does not wish to file his or her grievance in writing. In attempting to resolve the problem at the lowest possible level, it may not be necessary to involve the commander or other members of the chain of command. Soldiers, family members, or civilians who wish to file a formal complaint must submit a sworn

statement using DA Form 7279-R. The complainant is responsible for providing all pertinent information to include a detailed description of the incident and the names of witnesses and other involved parties.

**INSTRUCTOR NOTE:** Inform the class that with respect to sexual harassment, a complainant should not be overly concerned about collecting sufficient evidence to support his or her allegation before filing a complaint.

Complainants have 60 calendar days from the date of the alleged incident in which to file a formal complaint of sexual harassment. The commander who acknowledges the complaint has 14 calendar days (or within three weekend drill periods for Reserve Components) to resolve the complaint or provide written feedback to the complainant. An extension of an additional 30 calendar days may be required in special circumstances. At the conclusion of the commander's inquiry or investigation, the complainant will be informed in writing as to whether his or her complaint was substantiated and the appropriate action taken.

Should the complainant disagree with the findings or actions taken to resolve the complaint, the complainant may file an appeal. Appeals must be submitted within 7 calendar days (next drill period for ARNG or USAR) of being notified as to the final disposition of the complaint. The appeal should be filed with the commander who processed the complaint, next higher commander within the chain, or with the commander who has General Court Martial convening authority. Should complainants feel that they are victims of intimidation or reprisal actions, they must report such incidents to the chain of command or other alternate agencies.

## **DISCIPLINARY ADMINISTRATIVE ACTIONS**

We have discussed the basic principles and Army policy for identifying and preventing sexual harassment. We shall now look at some of the consequences for violating that policy.

Commanders have a wide variety of options in administering corrective actions or punishment for inappropriate behavior. The UCMJ has a number of articles which may be used to deal with equal opportunity and sexual harassment policy violators. Offenses which are identified as severe forms of sexual harassment are clearly punishable under the UCMJ.

In addition to the UCMJ, there are a number of administrative actions that can be used to include the following: bars to reenlistment, memoranda of admonishment and reprimand, relief for cause, rehabilitative transfer, correctional training; formal counseling, and denial of certain privileges. When there is a sexual harassment violation, the block "Supports EO/EEO" on a military rating form must be marked accordingly. Punishment and administrative sanctions are clear messages that sexual harassment will not be condoned or tolerated.

## **SLIDE #7**

## SEXUAL HARASSMENT BEHAVIORS SUBJECT TO DISCIPLINARY ACTIONS (UCMJ)

OFFENSE	UCMJ RTICLE
Making sexual comments or gestures	Art 89 disrespect toward superior officer
	Art 91 insubordinate conduct towards a WO or NCO
gestures	Art 117 provoking speech and
	Art 134 indecent language
Offering rewards for sexual favors	Art 134 bribery and graft
Making unsolicited or unwelcome sexual contact with intent to gratify lust or sexual desire	Art 134 indecent assault
Threatening the career, job, or salary of a person unless he or she "cooperates"	Art 127 extortion Art 134 communicating a threat
Engaging in or condoning sexual harassment behaviors	Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer
Influencing or threatening the career, pay or job of another person in exchange for sexual favors	Art 93 cruelty and maltreatment

### RECOMMENDED TECHNIQUES FOR DEALING WITH SEXUAL HARASSMENT

All soldiers and civilian employees have a responsibility to help resolve acts of sexual harassment and are encouraged to report them to the chain of command or appropriate agencies. There are certain actions victims can take to help them deal with sexual harassment situations.

Confronting the harasser is always encouraged, but depending on the severity of the act, directly confronting the harasser may be inappropriate. When reporting a sexual incident a victim should report the specifics of the incident to give the chain of command a chance to resolve the issue. Soldiers and civilian employees are also responsible for submitting legitimate complaints.

Commanders are required to educate their personnel on complaint procedures and in addition should provide them with a source to help prevent or resolve sexual harassment behaviors in the unit or work area. The following techniques are not meant to replace the chain of command, but can be valuable tools in

dealing with inappropriate behavior. This following list is prioritized to denote a victim's increased involvement.

## **SLIDE #8**

<b>TECHNIQUES FOR PREVENTION</b>	
Diary	Letter
Talking	Confronting
Intermediary	Reporting

### **DIARY**

Keeping a record of daily events is a way to help victims clarify situations and events that affect them emotionally. Like a diary, the information that is recorded should resemble a journal of personal notes. These notes should be factual and include details to include time, location, and names of those present during each incident. Those who elect to use this strategy, however, should be cautioned not to keep their diary in the work area nor should they let others see or read their notes. Like "bad press," this could create additional problems that have nothing to do with resolving the harassment, especially if coworkers and supervisors perceive that the victim is only "keep

The purpose of the dairy is to help victims of sexual harassment sort through their feelings and emotions before taking action. In the event the victim decides to file a complaint, the diary can be useful in recalling specifics on who, what, when, and where. A diary that is used to record information about sexual harassment should not be kept indefinitely. The victim should decide within a reasonable length of time to act rather than continue to record information. Finally, the victim should not merely rely solely upon a diary as evidence to support a case of sexual harassment. Without proper translation the diary could be misinterpreted and detract from dealing with the harassment.

### **TALKING**

Talking to others is a strategy that should be considered when dealing with a sexual harassment situation. Talking has a number of benefits. It can lead a person to alternatives in trying to correct another person's behavior or other environmental problems.

Talking to others in and of itself is a great stress reliever. When people are under stress they may become less effective or productive on the job because their ability to think clearly is diminished. Talking to others in the work area is also a way to clarify perception about what is happening. In other words, do others see things the same way or is this an act of being overly sensitive.

Another advantage of talking is that it can provide the victim with alternatives on

how to address sexual harassment problems. When victims are unable to stop the harassment and have to file a complaint, the fact that someone else was informed helps support the victim's allegations.

Whoever the victim elects to talk to should have their trust, confidence, and preferably a leadership role in the organization.

Soldiers and civilians must be cautioned, however, that talking to others, in and of itself, will not resolve the problem; victims must at some time decide to act. If they only talk about being a victim and fail to report the sexual harassment to the chain of command, they may be labeled as troublemakers which detracts from their legitimate complaint.

### **INTERMEDIARY**

A victim may want to take a more direct approach in attempting to stop a sexual harassment situation. However, he or she may feel intimidated, apprehensive or reluctant to speak to the harasser directly. In such cases, a co-worker, supervisor, or another leader can serve as an intermediary and speak to the offender on behalf of the victim. Hopefully, the person who is asked to be an intermediary is not also intimidated. If so, chances for success by this means are minimal at best. An intermediary does not speak for the victim, but relates what behavior the victim wants stopped. The discussion must be serious throughout so as to leave the impression that the offensive behavior is not being taken lightly. Again, the intermediary must speak to specific types of behavior and let the harasser know that any further behavior will be reported to the chain of command or appropriate agency. If the intermediary is senior to the harasser, the language used in the discussion must be more directive.

### **LETTER**

Another strategy for confronting sexual harassment is to write the harasser a letter. The letter should be professional, polite, and specific about what behaviors are offensive and unwelcome. The letter should contain at least three parts: first, an objective description of the behavior or incident(s) without evaluating the harasser or providing editorial comments; second, a description of how the victim is affected by the behavior; and finally, what the victim wants the harasser to do to correct the problem.

The advantages of this technique are that it gives the victim a chance to handle the situation, it avoids formal charges and public confrontations, and it gives the harasser an opportunity to look at the impact of his or her behavior. It may also minimize or prevent retaliation against the writer. Victims should be warned that a letter also can be interpreted by the harasser as a sign of weakness or intimidation. Therefore, the victim should be prepared to report the incident should the harassment continue. Victims of sexual harassment should keep a copy of the letter in the event a formal complaint is required. Copies should not be provided to others unless they are involved in the complaint process.

## **CONFRONTING**

Confronting the harasser directly can be an effective method for dealing with unwanted, offensive behavior. Soldiers and civilian employees are encouraged to take this course of action whenever it is appropriate to do so. However, depending on the severity of the act and victim's own confidence for success, direct confrontation may not be appropriate in all circumstances. Victims should be aware that successful confrontation involving severe forms of harassment does not preclude reporting the harassment to the chain of command.

Victims of sexual harassment should be encouraged to confront their harasser at the time of the act or very soon thereafter and do so in a professional manner. The victim should tell the harasser exactly what behavior is offensive and unwanted. However, the victim should be cautioned when using this approach not to verbally attack the harasser, but calmly describe the behavior. Finally, victims should let the harasser know how they feel and that his or her behavior will be reported to the chain of command if the behavior is continued or repeated.

## **REPORTING**

The decision to report an incident of sexual harassment is often viewed as a last resort by most victims. This is due to their fear of involvement, fear of reprisal, or fear of being identified as one who complains. Reporting does have its place even when the victim has been successful in stopping the harassment. Depending on the severity of the incident, "reporting" may be the appropriate first course of action. Reporting may also be the final choice when prior coping efforts have failed and no alternative remains. Reporting must deal with facts so that the commander or other leaders can address specific issues and talk to valid witnesses.

**INSTRUCTOR NOTE:** At this time have everyone read the scenario to themselves and then allow the remainder of time to discuss each scenario.

## **PRACTICAL EXERCISE 1**

**SITUATION:** You are a squad leader in HHC, USAG. You supervise six soldiers, five men and one woman. The woman, SPC Donna Johnson, was assigned to the company about three months ago. Until two weeks ago you were very pleased with SPC Johnson's work. She was willing and able to take on additional responsibilities when asked and seemed to be getting along well with all the men. But now you're thinking you may have misjudged her. Lately her work hasn't been up to par. Her material reports have been incomplete, accountability of her equipment is constantly inaccurate, and lately she has been "riding sick call." When you talked to her about it, she seemed distracted and said she would try to improve. You've also noticed that one of the other soldiers, SPC Matt Thomas, spends a lot of time with SPC Johnson. You overheard him telling her a dirty joke one day, but she smiled and seemed to find it funny. On another occasion you heard him make a comment about her figure, to her face and in front of the other men. SPC Thomas can sometimes be obnoxious, but everyone likes him and

puts up with his bad behavior. SPC Johnson hasn't complained to you, but you feel uneasy about the whole situation.

#### QUESTIONS:

1. Do you think sexual harassment has occurred in this situation? Why or why not?
2. What is your responsibility as a supervisor? Should you wait for SPC Johnson to complain or speak to you?
3. Do you need more information? What other issues and concerns should you address?
4. What will you do about SPC Johnson's job performance?

#### ANSWERS:

1. Yes. SPC Johnson is being sexually harassed by SPC Thomas. SPC Thomas' behavior is inappropriate and constitutes actions which might be interfering with SPC Johnson's work. Even though SPC Johnson has not complained, SPC Thomas' behavior has the potential for creating a hostile environment and should not be tolerated.
2. Your responsibility as supervisor in this situation is to correct SPC Thomas' behavior. You should not wait until SPC Johnson complains. You then should counsel SPC Johnson on her work performance to determine the cause of her lower productivity.
3. Yes. As SPC Johnson's supervisor you need to determine why her performance has fallen off. You need to also determine the extent and severity of SPC Thomas' behavior towards SPC Johnson and the involvement of other members in your section. The sexual harassment by SPC Thomas could have had an impact on SPC Johnson's duty performance, however your observations are sufficient to make an on-the-spot correction and counsel SPC Thomas on his inappropriate behavior.
4. What you do about SPC Johnson's performance will depend a great deal on what you determine to be the cause of her reduced productivity. You must counsel her to determine if her poor performance is due to environmental factors or other related concerns.

#### PRACTICAL EXERCISE 2

SITUATION A: CPT Bob Jack overheard two of his co-workers, CPT Lisa Gray and ILT Adam West, laughing quietly, whispering, and flirting with each other. The next time CPT Jack passed CPT Gray, he winked and said, "Hi, sweet thing," and looked her over, all in a joking manner. CPT Gray was angry and



offended and told him so. QUESTION: Did CPT Jack sexually harass CPT Gray?

SITUATION B: When Tom Bennett, a civilian supervisor of military personnel, gets his work group together for their monthly planning session, he always asks SSG Carol Jackson to take notes and make coffee. His work group consists of three administrative assistants—SSG Jackson, SSG Kelvin Bridges, and SSG Reginald Gibson. QUESTION: Is Tom sexually harassing SSG Jackson?

SITUATION C: Throughout the day, MSG York has to drop by the job site to oversee the work of his crew, which is made up of three women and eight men. When he passes SFC Monica Thomas or SSG Pamela Hey he occasionally pats one of them or gives them a “little pinch” or a hug. He has never said anything really sexual to either of them, and they’ve never objected to his occasional touches. QUESTION: Is MSG York sexually harassing the women?

SITUATION D: MAJ Chong really likes his -subordinates, and he makes it a point to treat everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. He makes comments like “How’s your love life?” and “Don’t do anything I wouldn’t do”, but MAJ Chong would never be lewd or offensive. None of his subordinates has ever objected, and sometimes they laugh. QUESTION: Is this sexual harassment?

SITUATION E: Last night MSG Donald Reese went to a business dinner meeting arranged by his boss, CPT Ora Issacs. He expected the whole office staff to be there, but it was just the two of them. The restaurant was dimly lit, with a very romantic atmosphere. After a few drinks MSG Reese realized that the only business to be discussed was CPT Issacs’ attraction to him. Just before suggesting that they go to her house for a nightcap, she mentioned MSG Reese’s upcoming Noncommissioned Officers Evaluation Report (NCOER). QUESTION: Is CPT Issacs sexually harassing MSG Reese?

SITUATION F: SGT Martha White is very attracted to her supervisor, SFC Dan Black. Since they’re both single, she asked him over for dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together.

QUESTION: Is this sexual harassment?

#### ANSWERS:

SITUATION A: Yes. CPT Jack’s behavior was inappropriate and constitutes sexual harassment. His action has the potential for creating a hostile environment. Although the behavior displayed by CPT Gray and ILT West is not identified as sexual harassment it appears inappropriate for the work place.

SITUATION B: No. There is no rationale given in the scenario as to why Mr. Bennett has SGT Jackson take notes and make coffee, it appears to be discrimination based upon gender role stereotyping, and not sexual harassment. There is not enough information to determine why Mr. Bennett assigned SGT Jackson these specific duties during the monthly planning sessions.

SITUATION C. Yes. Based upon the scenario MSG York's behavior appears to be a physical form of sexual harassment. The question is "pats where and pinches where?" There is nothing in this scenario which would indicate that MSG York's behavior is either sexual or offensive but, his physical touching of his subordinates was neither requested nor asked for, and thus has the potential for creating a hostile environment. The behavior is also only directed at two of the three women on the job site. Therefore it appears gender based and inappropriate. His behavior could also be perceived as a form of preferential treatment by the men on the job site and cause for a complaint of treatment that is based on gender difference.

SITUATION D. No. This is not sexual harassment. Though some may view MAJ Chong's comments as a subtle form of harassment, his actions should not be viewed as sexual or offensive. He treats both men and women the same. However, as the supervisor his comments may be inappropriate.

SITUATION E. Yes. CPT Issacs' behavior is a "quid pro quo" form of sexual harassment. Although she has not mentioned sex in her conversation with MSG Reese, she has made it clear that there is a direct connection between his response to her suggestion for a nightcap at her place and his next NCOER.

SITUATION F. No. However it is clearly inappropriate for supervisors and their subordinates to get involved romantically. This behavior can damage unit morale and discipline. This is also a possible UCMJ violation, unprofessional relationship.